

**Commonwealth of Kentucky**  
**Natural Resources and Environmental Protection Cabinet**  
**Department for Environmental Protection**  
**Division for Air Quality**  
**803 Schenkel Lane**  
**Frankfort, Kentucky 40601**  
**(502) 573-3382**

**AIR QUALITY PERMIT**

**Permittee Name:** Johnson Controls, Incorporated  
**Mailing Address:** Johnson Controls FoaMech Plant  
P.O. Box 679  
Georgetown, Kentucky 40324

**Source Name:** Johnson Controls FoaMech Plant  
**Mailing Address:** P.O. Box 679  
Georgetown, Kentucky 40324

**Source Location:** 824 Lemons Mill Road  
Georgetown, Kentucky 40324

**Permit Type:** Federally-Enforceable  
**Review Type:** Title V

**Permit Number:** V-98-025  
**Log Number:** F624 and F380  
**Application**  
**Complete Date:** February 7, 1998

**KYEIS ID #:** 102-3640-0020  
**AFS Plant ID #:** 21-209-00020  
**SIC Code:** 2531; 3714

**Region:** Bluegrass  
**County:** Scott

**Issuance Date:** August 28, 1998  
**Expiration Date:** August 28, 2003

## TABLE OF CONTENTS

<u>SECTION</u>		<u>DATE OF ISSUANCE</u>	<u>PAGE</u>
SECTION A	PERMIT AUTHORIZATION	August 28, 1998	1
SECTION B	EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS	August 28, 1998	2
SECTION C	INSIGNIFICANT ACTIVITIES	August 28, 1998	14
SECTION D	SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS	August 28, 1998	15
SECTION E	SOURCE CONTROL EQUIPMENT OPERATING REQUIREMENTS	August 28, 1998	15
SECTION F	MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS	August 28, 1998	16
SECTION G	GENERAL CONDITIONS	August 28, 1998	19
SECTION H	ALTERNATE OPERATING SCENARIOS	Not Applicable	23
SECTION I	COMPLIANCE SCHEDULE	Not Applicable	23

## **SECTION A - PERMIT AUTHORIZATION**

Pursuant to a duly submitted application which was determined to be complete on February 7, 1998, the Kentucky Division for Air Quality hereby authorizes the construction and operation of the equipment described herein in accordance with the terms and conditions of this permit. This final permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in the Regulation 401 KAR 50:035, Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

## 01 (01) Foam Prototype Lab and Foam Production Lines

- demold/prep area
- spray mold release station
- paste wax mold release station
- foam pour station
- foam crushing station
- foam repair station

Regulation 401 KAR 59:010, New process operations, applicable to an emission unit commenced on or after July 2, 1975 and which is not subject to another emission standard with respect to particulates in 401 KAR Chapter 59.

1. **Operating Limitations:** none
2. **Emission Limitations:**
  - a. Pursuant to Regulation 401 KAR 59:010, Section 3(2), emissions of particulate matter shall not exceed 2.34 lbs/hr.
  - b. Pursuant to Regulation 401 KAR 59:010, Section 3(1)(a), the opacity of any continuous emissions from a control device or a stack shall not equal or exceed 20 percent.

a. Hourly mass emission rate = (x) + (y), where

x = {Daily solvent based mold release agent sprayed per line x solids content of solvent based mold release agent (in weight percent) x number of lines for foam production} ÷ hours of operation per day

y = {Daily solvent based mold release agent sprayed in the prototype lab x solids content of solvent based mold release agent (in weight percent)} ÷ hours of operation per day

b. Opacity limits - A representative of the source shall perform a qualitative visual observation of the opacity of emissions once per week and maintain an on site weekly log of the following information -

- i. Whether any air emissions were visible from the plant.
- ii. All emission points from which visible emissions occurred.
- iii. Whether the visible emissions were normal for the process. If not, the corrective actions taken to rectify the situation.

During periods of startup, shutdown, or malfunction of any of the units specified above, the permittee shall demonstrate compliance through maintenance of the records required by Item 3 under Specific Monitoring Requirements below.

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)****3. Testing Requirements:**

- a. Pursuant to Regulation 401 KAR 59:010 Section 4(5), Test Methods and Procedures, the opacity of visible emissions shall be measured by Reference Method 9.
- b. Pursuant to Regulation 401 KAR 59:005, Section 2(2), the cabinet may require the permittee, at a future date, to conduct performance testing for particulate emissions as measured by Reference Methods 5.

**4. Specific Monitoring Requirements:**

The permittee shall monitor and maintain records of the following parameters:

- a. The daily amount of solvent based mold release agent sprayed for each line.
- b. The solids content (weight percent) of solvent based mold release agent for each line.
- c. Number of hours of operation of each emission unit per day.
- d. During periods of startup, shutdown or malfunction of any of the foam production line, a daily (calendar day) log of the following information shall be kept:
  - i. Whether any air emissions were visible from the stack.
  - ii. Whether the visible emission were normal for the process.
  - iii. The color of the emissions and whether the emissions were light or heavy.
  - iv. The cause of the abnormal visible emissions.
  - v. Any corrective actions taken.

**5. Specific Recordkeeping Requirements:**

See 4, Specific Monitoring Requirements, above.

**6. Specific Reporting Requirements:** none

**7. Specific Control Equipment Operating Conditions:** none

**8. Alternate Operating Scenarios:** none

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)****06 (06)          Small parts foam production lines****Description:** - Small parts carousels 1 and 2, each carousel consists of:

- pour area
- spray mold release
- demold area
- foam repair
- prep area 1, 2

**APPLICABLE REGULATIONS:**

Regulation 401 KAR 59:010, New process operations, applicable to an emission unit commenced on or after July 2, 1975 and which is not subject to another emission standard with respect to particulates in 401 KAR Chapter 59.

**1.          Operating Limitations:**

none

**2.          Emission Limitations:**

- a. Pursuant to Regulation 401 KAR 59:010, Section 3(2), emissions of particulate matter shall not exceed 2.34 lbs/hr.
- b. Pursuant to Regulation 401 KAR 59:010, Section 3(1)(a), the opacity of any continuous emissions from a control device or a stack shall not equal or exceed 20 percent.

**Compliance demonstration method:**

- a. Hourly mass emission rate = {Daily solvent based mold release agent sprayed per line  
x solids content of solvent based mold release agent (in  
weight percent) x number of lines for foam production} ÷  
hours of operation per day
- b. Opacity limits - A representative of the source shall perform a qualitative visual observation of the opacity of emissions once per week and maintain an on site weekly log of the following information -
  - i. Whether any air emissions were visible from the plant.
  - ii. All emission points from which visible emissions occurred.
  - iii. Whether the visible emissions were normal for the process. If not, the corrective actions taken to rectify the situation.

During periods of startup, shutdown, or malfunction of any of the units specified above, the permittee shall demonstrate compliance through maintenance of the records required by Item 3 under Recordkeeping Requirements below.

**3.          Testing Requirements:**

- a. Pursuant to Regulation 401 KAR 59:010 Section 4(5), Test Methods and Procedures, the opacity of visible emissions shall be measured by Reference Method 9.
- b. Pursuant to Regulation 401 KAR 59:005, Section 2(2), the cabinet may require the permittee, at a future date, to conduct performance testing for particulate emissions as measured by Reference Method 5.

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)****4. Specific Monitoring Requirements:**

The permittee shall monitor and maintain records of the following parameters:

- a. The daily amount of solvent based mold release agent sprayed for each line.
- b. Number of hours of operation of each emission unit per day.
- c. The solids content (weight percent) of solvent based mold release agent for each line.
- d. During periods of startup, shutdown or malfunction of any of the foam production line, a daily (calendar day) log of the following information shall be kept:
  - i. Whether any air emissions were visible from the stack.
  - ii. Whether the visible emission were normal for the process.
  - iii. The color of the emissions and whether the emissions were light or heavy.
  - iv. The cause of the abnormal visible emissions.
  - v. Any corrective actions taken.

**5. Specific Record Keeping Requirements:**

See 4, Specific Monitoring Requirements, above.

**6. Specific Reporting Requirements:**

none

**7. Specific Control Equipment Operating Conditions:**

none

**8. Alternate Operating Scenarios:**

none

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**Small Parts foam production lines:** This is a new construction project and is herein permitted as a synthetic minor. The potential VOC emissions from this point are high enough to trigger Regulation 401 KAR 51:017 but the allowable VOC emission rates in this permit have been limited (as provided in the section, Emission Limitations, below) to preclude the applicability of PSD.

**34 (34) Small parts foam production lines**

**Description:** - Small parts carousel 3, each carousel consists of:

- pour area
- spray mold release
- demold area
- foam repair
- prep area 3

**APPLICABLE REGULATIONS:**

Regulation 401 KAR 59:010, New process operations, applicable to an emission unit commenced on or after July 2, 1975 and which is not subject to another emission standard with respect to particulates in 401 KAR Chapter 59.

1. **Operating Limitations:** none

2. **Emission Limitations:**

- a. Pursuant to Regulation 401 KAR 59:010, Section 3(2), hourly emissions of particulate matter shall not exceed 2.34 lbs/hr.
- b. Pursuant to Regulation 401 KAR 59:010, Section 3(1)(a), the opacity of any continuous emissions from a control device or a stack shall not equal or exceed 20 percent.
- c. Annual emissions of volatile organic compounds (VOCs) from Emission point 34 shall not exceed thirty six (36) tons per year so as to preclude the applicability of Regulation 401 KAR 51:017, Prevention of significant deterioration of air quality.

**Compliance demonstration method:**

- a. Hourly mass emission rate = {Daily solvent based mold release agent sprayed per line x solids content of solvent based mold release agent (in weight percent) x number of lines for foam production} ÷ hours of operation per day
- b. Opacity limits - A representative of the source shall perform a qualitative visual observation of the opacity of emissions once per week and maintain an on site weekly log of the following information -
  - i. Whether any air emissions were visible from the plant.
  - ii. All emission points from which visible emissions occurred.
  - iii. Whether the visible emissions were normal for the process. If not, the corrective actions taken to rectify the situation.



**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**Compliance demonstration method (continued):

During periods of startup, shutdown, or malfunction of any of the units specified above, the permittee shall demonstrate compliance through maintenance of the records required by Item 3 under Recordkeeping Requirements below.

- c. Annual VOC emissions = consecutive twelve (12) month total of cumulative monthly VOC emissions

Cumulative monthly VOC emissions = monthly VOC emissions from spray mold release agent + monthly VOC emissions from paste wax mold release agent

Monthly VOC emissions from spray mold release agent  
= {Monthly usage of spray mold release agent sprayed per line  
x VOC content of spray based mold release agent (in weight  
percent) x number of lines for foam production}

Monthly VOC emissions from paste wax mold release agent  
= {Monthly usage of paste wax mold release agent per line  
x VOC content of paste wax mold release agent (in weight  
percent) x number of lines for foam production}

**3. Testing Requirements:**

- a. Pursuant to Regulation 401 KAR 59:010 Section 4(5), Test Methods and Procedures, the opacity of visible emissions shall be measured by Reference Method 9.
- b. Pursuant to Regulation 401 KAR 59:005, Section 2(2), the cabinet may require the permittee, at a future date, to conduct performance testing for particulate emissions as measured by Reference Method 5.

**4. Specific Monitoring Requirements:**

The permittee shall monitor and maintain records of the following parameters:

- a. The daily amount of solvent based mold release agent sprayed for each line.
- b. The monthly usage (per line) of solvent based mold release agent and paste wax mold release agent.
- c. Number of hours of operation of each emission unit per day.
- d. The solids content (weight percent) of solvent based mold release agent for each line.
- e. The VOC content of spray based mold release agent and paste wax mold release agent.
- f. During periods of startup, shutdown or malfunction of any of the foam production line, a daily (calendar day) log of the following information shall be kept:
  - i. Whether any air emissions were visible from the stack.
  - ii. Whether the visible emission were normal for the process.
  - iii. The color of the emissions and whether the emissions were light or heavy.
  - iv. The cause of the abnormal visible emissions.
  - v. Any corrective actions taken.

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**5. Specific Record Keeping Requirements:**

See 4, Specific Monitoring Requirements, above.

**6. Specific Reporting Requirements:** See General Conditions, Section G(d)- Construction, Start-up, and Initial Compliance Demonstration Requirements

**7. Specific Control Equipment Operating Conditions:** none

**8. Alternate Operating Scenarios:** none

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)****10 (10) Curing oven**

**Description:** - Natural gas fired  
- Rated capacity: 4.8 mmBtu/hr

**APPLICABLE REGULATIONS:**

Regulation 401 KAR 59:010, New process operations, applicable to an emission unit commenced on or after July 2, 1975 and which is not subject to another emission standard with respect to particulates in 401 KAR Chapter 59.

**1. Operating Limitations:** none

**2. Emission Limitations:**

- a. Pursuant to Regulation 401 KAR 59:010, Section 3(2), emissions of particulate matter shall not exceed 2.34 lbs/hr.
- b. Pursuant to Regulation 401 KAR 59:010, Section 3(1)(a), the opacity of any continuous emissions from a control device or a stack shall not equal or exceed 20 percent.

**Compliance demonstration method:**

- a. Hourly mass emission rate = (Total monthly usage of natural gas x Emission factor listed in Kentucky Emissions Inventory) ÷ (Hours of operation per month)
- b. Opacity limits - A representative of the source shall perform a qualitative visual observation of the opacity of emissions once per week and maintain an on site weekly log of the following information -
  - i. Whether any air emissions were visible from the plant.
  - ii. All emission points from which visible emissions occurred.
  - iii. Whether the visible emissions were normal for the process. If not, the corrective actions taken to rectify the situation.

During periods of startup, shutdown, or malfunction of any of the units specified above, the permittee shall demonstrate compliance through maintenance of the records required by Item 3 under Specific Monitoring Requirements below.

**3. Testing Requirements:**

- a. Pursuant to Regulation 401 KAR 59:010 Section 4(5), Test Methods and Procedures, the opacity of visible emissions shall be measured by Reference Method 9.
- b. Pursuant to Regulation 401 KAR 59:005, Section 2(2), the cabinet may require the permittee, at a future date, to conduct performance testing for particulate emissions as measured by Reference Methods 5.

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)****4. Specific Monitoring Requirements:**

The permittee shall maintain records of the following information:

- a. The total monthly usage of the natural gas used for firing the after cure ovens.
- b. The daily and monthly hours of operation (hours operated/month) of the affected facility.
- c. During periods of startup, shutdown or malfunction of any of the foam production line, a daily (calendar day) log of the following information shall be kept:
  - i. Whether any air emissions were visible from the stack.
  - ii. Whether the visible emission were normal for the process.
  - iii. The color of the emissions and whether the emissions were light or heavy.
  - iv. The cause of the abnormal visible emissions.
  - v. Any corrective actions taken.

**5. Specific Record Keeping Requirements:**

See 4, Specific Monitoring Requirements, above.

**6. Specific Reporting Requirements:** none

**7. Specific Control Equipment Operating Conditions:** none

**8. Alternate Operating Scenarios:** none

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)****11 (11) Mechanism welding**

**Description:** - Seven (7) MIG welders  
- Nineteen (19) resistance welders

**APPLICABLE REGULATIONS:**

Regulation 401 KAR 59:010, New process operations, applicable to an emission unit commenced on or after July 2, 1975 and which is not subject to another emission standard with respect to particulates in 401 KAR Chapter 59.

**1. Operating Limitations:** none

**2. Emission Limitations:**

- a. Pursuant to Regulation 401 KAR 59:010, Section 3(2), emissions of particulate matter shall not exceed 2.34 lbs/hr.
- b. Pursuant to Regulation 401 KAR 59:010, Section 3(1)(a), the opacity of any continuous emissions from a control device or a stack shall not equal or exceed 20 percent.

**Compliance demonstration method:**

- a. Hourly mass emission rate = (Total monthly usage of welding wire x Emission factor listed in Kentucky Emissions Inventory) ÷ (Hours of operation per month)
- b. Opacity limits - A representative of the source shall perform a qualitative visual observation of the opacity of emissions once per week and maintain an on site weekly log of the following information -
  - i. Whether any air emissions were visible from the plant.
  - ii. All emission points from which visible emissions occurred.
  - iii. Whether the visible emissions were normal for the process. If not, the corrective actions taken to rectify the situation.

During periods of startup, shutdown, or malfunction of any of the units specified above, the permittee shall demonstrate compliance through maintenance of the records required by Item 3 under Specific Monitoring Requirements below.

**3. Testing Requirements:**

- a. Pursuant to Regulation 401 KAR 59:010 Section 4(5), Test Methods and Procedures, the opacity of visible emissions shall be measured by Reference Method 9.
- b. Pursuant to Regulation 401 KAR 59:005, Section 2(2), the cabinet may require the permittee, at a future date, to conduct performance testing for particulate emissions as measured by Reference Methods 5.

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)****4. Specific Monitoring Requirements:**

The permittee shall maintain records of the following information:

- a. The total monthly usage of the welding wire.
- b. The daily and monthly hours of operation (hours operated/month) of the affected facility.
- c. During periods of startup, shutdown or malfunction of any of the foam production line, a daily (calendar day) log of the following information shall be kept:
  - i. Whether any air emissions were visible from the stack.
  - ii. Whether the visible emission were normal for the process.
  - iii. The color of the emissions and whether the emissions were light or heavy.
  - iv. The cause of the abnormal visible emissions.
  - v. Any corrective actions taken.

**5. Specific Record Keeping Requirements:**

See 4, Specific Monitoring Requirements, above.

**6. Specific Reporting Requirements:** none

**7. Specific Control Equipment Operating Conditions:** none

**8. Alternate Operating Scenarios:** none

**SECTION C - INSIGNIFICANT ACTIVITIES**

The following listed activities have been determined to be insignificant activities for this source pursuant to Regulation 401 KAR 50:035, Section 5(4).

<u>Description</u>	<u>Regulation</u>
1. Tank farm lab	none
2. Battery charge area	none
3. Cooling tower	none
4. Rust proofing area	none
5. Foam carousel mezzanines	none
6. CO <sub>2</sub> pellet mold cleaner	none
7. Fire water tank diesel pump	none
8. Safety-Kleen parts washer #1	none
9. Safety-Kleen parts washer #2	none
10. Maintenance spray booth	none
11. Maintenance welding booth	none
12. Safety-Kleen parts washer #3	none
13. Date stamp ink units 1-7	none
14. Amine blending station	none
15. Skiving adhesive operation	none
16. Tank truck unloading operation	none
17. Air make-up units	none
18. Space heaters	none
19. Air compressors	none
20. Welding operations	401 KAR 59:010

## **SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS**

Not applicable

## **SECTION E - SOURCE CONTROL EQUIPMENT OPERATING REQUIREMENTS**

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.



## **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS**

1. When continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
  - a. Date, place as defined in this permit, and time of sampling or measurements.
  - b. Analyses performance dates;
  - c. Company or entity that performed analyses;
  - d. Analytical techniques or methods used;
  - e. Analyses results; and
  - f. Operating conditions during time of sampling or measurement;
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality. [401 KAR 50:035, Permits, Section 7(1)(d)2 and 401 KAR 50:035, Permits, Section 7(2)(c)]
3. In accordance with the requirements of Regulation 401 KAR 50:035, Permits, Section 7(2)(c) the permittee shall allow the Cabinet or authorized representatives to perform the following:
  - a. Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are kept;
  - b. Have access to and copy, at reasonable times, any records required by the permit:
    - i. During normal office hours, and
    - ii. During periods of emergency when prompt access to records is essential to proper assessment by the Cabinet;
  - c. Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times shall include, but are not limited to the following:
    - i. During all hours of operation at the source,
    - ii. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
    - iii. During an emergency; and
  - d. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements. Reasonable times shall include, but are not limited to the following:
    - i. During all hours of operation at the source,
    - ii. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
    - iii. During an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.

**SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

5. Reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be reported to the Division's Frankfort Regional Office no later than the six-month anniversary date of this permit and every six months thereafter during the life of this permit, unless otherwise stated in this permit. Data from the continuous emission and opacity monitors shall be reported to the Technical Services Branch in accordance with the requirements of Regulation 401 KAR 59:005, General Provisions, Section 3(3). All reports shall be certified by a responsible official pursuant to Section 6(1) of Regulation 401 KAR 50:035, Permits. All deviations from permit requirements shall be clearly identified in the reports.
6. a. In accordance with the provisions of Regulation 401 KAR 50:055, Section 1 the owner or operator shall notify the Division for Air Quality's Frankfort Regional Office concerning startups, shutdowns, or malfunctions as follows:
  1. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
  2. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
- b. In accordance with the provisions of Regulation 401 KAR 50:035, Section 7(1)(e)2, the owner or operator shall promptly report deviations from permit requirements including those attributed to upset conditions (other than emission exceedances covered by general condition 6 a. above) to the Division for Air Quality's Frankfort Regional Office. Prompt reporting shall be defined as follows:
  - i. For short-term (less than eight (8) hours duration) excursions from, or failure to record the parameters used to monitor the performance of control devices, the permittee shall include a summary of the excursions in the quarterly report.
  - ii. For longer periods of excursion(s) or inability to record monitoring parameters, the permittee shall contact the Frankfort Regional Office within seventy-two (72) hours (excluding weekends and holidays).
  - iii. In the event that the permittee is unable to fulfill a requirement (such as a performance test, compliance certification submittal) within the timeframe specified in this permit, the permittee shall contact the Frankfort Regional Office and the Frankfort Central Office within seventy-two (72) hours of expiration of the relevant timeframe. Extensions of the timeframes specified in this permit may be granted by the Division upon a satisfactory request showing that an extension is justified.

## **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

7. Pursuant to Regulation 401 KAR 50:035, Permits, Section 7(2)(b), the permittee shall certify compliance with the terms and conditions contained in this permit, annually on the permit issuance anniversary date by completing and returning a Compliance Certification Form (DEP 7007CC) (or an approved alternative) to the Division for Air Quality's Frankfort Regional Office and the U.S. EPA in accordance with the following requirements:
  - a. Identification of each term or condition of the permit that is the basis of the certification;
  - b. The compliance status regarding each term or condition of the permit;
  - c. Whether compliance was continuous or intermittent; and
  - d. The method used for determining the compliance status for the source, currently and over the reporting period, pursuant to 401 KAR 50:035, Section 7(1)(c),(d), and (e).
  - e. The certification shall be postmarked by the thirtieth (30) day following the applicable permit issuance anniversary date.
8. In accordance with Regulation 401 KAR 50:035, Section 23, the permittee shall provide the division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission report is mailed to the permittee.
9. Pursuant to Section VII.3 of the policy manual of the Division for Air Quality as referenced by Regulation 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days after the completion of the fieldwork.

## **SECTION G - GENERAL CONDITIONS**

### **(a) General Compliance Requirements**

1. The permittee shall comply with all conditions of this permit. A noncompliance shall be (a) violation(s) of state regulation 401 KAR 50:035, Permits, Section 7(3)(d) and for federally enforceable permits is also a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) and is grounds for enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition.
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause. The permit will be reopened for cause and revised accordingly under the following circumstances:
  - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to Regulation 401 KAR 50:035, Section 12(2)(c);
  - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
  - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish to the Division, in writing, information that the Division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. [401 KAR 50:035, Permits, Section 7(2)(b)3e and 401 KAR 50:035, Permits, Section 7(3)(j)]
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority.

**SECTION G - GENERAL CONDITIONS (CONTINUED)**

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit. [401 KAR 50:035, Permits, Section 7(3)(k)]
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance. [401 KAR 50:035, Permits, Section 7(3)(e)]
8. Except as identified as state-origin requirements in this permit, all terms and conditions contained herein shall be enforceable by the United States Environmental Protection Agency and citizens of the United States.
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6). [401 KAR 50:035, Permits, Section 7(3)(h)]
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [401 KAR 50:035, Permits, Section 8(3)(b)]
11. This permit shall not convey property rights or exclusive privileges. [401 KAR 50:035, Permits, Section 7 (3)(g)]
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry. [401 KAR 50:035 , Permits, Section 7(2)(b)5]
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders. [401 KAR 50:035, Permits, Section 8(3)(a)]
15. Permit Shield: Except as provided in State Regulation 401 KAR 50:035, Permits, compliance by the affected facilities listed herein with the conditions of this permit shall be deemed to be compliance with all applicable requirements identified in this permit as of the date of issuance of this permit.
16. All previously issued construction and operating permits are hereby null and void.

**SECTION G - GENERAL CONDITIONS (CONTINUED)****(b) Permit Expiration and Reapplication Requirements**

This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division. [401 KAR 50:035, Permits, Section 12]

**(c) Permit Revisions**

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of Regulation 401 KAR 50:035, Section 15.
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority thirty (30) days in advance of the transfer.

**(d) Construction, Start-Up, and Initial Compliance Demonstration Requirements**

1. Construction of process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit.
2. Within thirty (30) days following commencement of construction, and within fifteen (15) days following start-up, and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the permittee shall furnish to the Division for Air Quality's Frankfort Regional Office in writing, with a copy to the Division's Frankfort Central Office, notification of the following:
  - a. The date when construction commenced.
  - b. The date of start-up of the affected facilities listed in this permit.
  - c. The date when the maximum production rate specified in the permit application was achieved.

**SECTION G - GENERAL CONDITIONS (CONTINUED)**

3. Pursuant to State Regulation 401 KAR 50:035, Permits, Section 13(1), unless construction is commenced on or before 18 months after the date of issue of this permit, or if construction is commenced and then stopped for any consecutive period of 18 months or more, or if construction is not completed within eighteen (18) months of the scheduled completion date, then the construction and operating authority granted by this permit for those affected facilities for which construction was not completed shall immediately become invalid. Extensions of the time periods specified herein may be granted by the Division upon a satisfactory request showing that an extension is justified.
4. Operation of the affected facilities for which construction is authorized by this permit shall not commence until compliance with the applicable standards specified herein has been demonstrated pursuant to 401 KAR 50:055, except as provided in Section I of this permit.
5. This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within sixty (60) days after achieving the maximum production rate at which the affected facilities will be operated but not later than 180 days after initial start-up of such facilities, the permittee shall conduct a performance demonstration on the affected facilities in accordance with Regulation 401 KAR 50:055, General compliance requirements.

(e) Acid Rain Program Requirements

If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

(f) Emergency Provisions

1. An emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
  - a. An emergency occurred and the permittee can identify the cause of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
  - d. The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two working days after the time when emission limitations were exceeded due to the emergency. The notice shall meet the requirements of 401 KAR 50:035, Permits, Section 7(1)(e)2, and include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken. This requirement does not relieve the source of any other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement.

## **SECTION G - GENERAL CONDITIONS (CONTINUED)**

3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof. [401 KAR 50:035, Permits, Section 9(3)]

(g) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall:
  - a. Submit a Risk Management Plan to U.S.EPA, Region IV with a copy to this Division and comply with the Risk Management Program by June 21, 1999 or a later date specified by the U.S.EPA.
  - b. Submit additional relevant information if requested by the Division or the U.S. EPA.

(h) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
  - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
  - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
  - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
  - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
  - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

## **SECTION H - ALTERNATE OPERATING SCENARIOS**

Not applicable

## **SECTION I - COMPLIANCE SCHEDULE**

Not applicable